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1502
A
L E T T E R

TO THE RIGHT HONOURABLE

CHARLES TOWNSHEND.

Quid enim necesse est convocari Tribus,
Contrarie Populum si idem effici jure vetere,
Et jam olim constituto Potest?

QUINTILIAN.

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A
L E T T E R

TO THE RIGHT HONOURABLE

CHARLES TOWNSHEND.

IF it is possible that the Defence of the Minority can be indeed the production of that name which has been so often quoted, in order to give it that weight from authority which it could not derive from its argument, neither the public nor yourself will have reason to be surpris-
ed at this address to you.

SURFEITED as the Town was by that gross and heavy food, with which they had been crammed in Budgets, Letters to the Cocoa-Tree, &c. it could not but be pleased with the expectation of something more *piquant*, in a dish which they were told was season-
B ed

ed and served up to them by the *Clouet* of the party. ----- To speak without a metaphor, it was expected from you, Sir, that the counsels and purposes of that Party, to which you had lent your name, should be stated with precision, and defended with ability: That a question, which the publication of the numbers on each side had inclined many to think was of a very intricate and doubtful nature, should have been, by you, proved as essential to the liberties of the subject, as it had been represented.

How these well-grounded expectations have been answered, this Letter submits to your consideration. And let me be allowed to express the same degree of *attachment to the reputation and merit of Two hundred and thirty-four*, which you have shewn to those of *Two hundred and twenty*; with this additional plea in my favour, That however high the reputation of the Minority may be in your or their own opinion, yet, while they continue to bear that name, they are private men, of whose opinions and conduct we may think even with contempt, without

out infringing any constitutional law : And that it is the condemnation of the *Majority* in parliament, *which sacrifices the fair report of the proceedings of the Commons of England, and Truth itself.* How far such a condemnation is in itself constitutional, or how far the endeavouring to lessen the weight of their decisions in the minds of the People, and to alienate from Parliament the affections of their constituents, is wise, I would recommend it to you to consider.

BEFORE I proceed to the main purpose of this letter, I cannot help congratulating myself upon one advantage which attends me. For while *you*, Sir, were obliged to give an importance to your Adversary, by raising him from the situation of an humble writer in the *Gazetteer* to *ministerial authority*, and dignifying his Paper with the title of *Favourite Proclamation of the Ministry* ; I am sure of enobling my thoughts, by taking for the subject of them *your* opinions and reasonings. Every thing which relates to these will be thought important by the Public.

WITHOUT enquiring whether you have any better foundation for the consequence you have bestowed on the Gazetteer, than the other writers of your Minority have had for giving constantly to the Ministry such arguments as they could easily confute, and such measures as they knew the Public would condemn ; I shall apply myself to the examination of your Answer to it. ----- To do this it will, I think, be clearer to state separately the points in debate, and the arguments upon each of them, than to follow, page by page, the progress of the Defence. It will at least have for me this advantage, That my composition and language will not be brought into the Reader's eye at the same time with that of the *Defence*. And I know you and myself too well to avoid a comparison on these subjects. It is my *Cause* alone which I think superior.

THE chief points stated in your Pamphlet, and upon which the whole Defence depends, are divided into Legal and Parliamentary.

WITH

WITH respect to the first, I must confess that I enter upon this part of the subject with all the apprehensions which your character may naturally be supposed to create: And you are become the more formidable to me in this respect, from having joined a *legal* education to a very lively and accurate understanding. I proceed to consider the manner in which you have employed these advantages.

YOUR positions are, page 8th, *That the question of the legality of the warrant is not now sub judice, nor has ever yet been in a course of legal determination*; and that the delay of bringing it into issue is to be charged on those who granted, and who acted under it. To prove this, you say you will state fairly and precisely the nature of the several bills of exceptions. You quote the bill in the case of Wilkes against Wood, and would be understood to give the substance of it: And as, in your transcript, there is no mention of the legality of the warrant, you conclude that it was not then in issue. I would gladly ask you, How you can take upon you to assert what is contained in the bill of exceptions,

exceptions, which has never yet been made public? As therefore I pretend to no other information than what is of public notoriety, I shall leave you to triumph on this part of the argument, till the detection of it's fallacy, of which I have no manner of doubt, can be made appear from free and open recourse to the original, or at least authenticated copies of the bill.

It would be a sufficient answer to your reasoning, to remind you, That any point of a bill of exceptions may be brought in issue immediately: And therefore, to say that this has never yet been in a course of legal determination, is not to speak precisely. But I will advance a step further, and prove to you, that the matter has not only been in issue, but decided as far as the opinion of *one* Chief-Justice can determine it. It is true that it was not upon the illegality of the warrant that the Jury found in Leach's case: It is no less true, that the Chief-Justice declared it illegal in that case; and, in the case of Wood, both judge and jury *determined* it to be so.

MR,

MR. WOOD had pleaded the warrant in justification; and which, had it been allowed legal, would have justified him against the action of trespass. When, therefore, the jury gave damages, they concurred with the opinion of the Chief-justice in declaring the warrant illegal. If, however, this determination should not be thought conclusive till affirmed by the other superior courts; let me remind you that it is *sub judice*, and must come in question on the Writ of Error, Wood at the suit of Wilkes. ----- It is equally *sub judice* in the cause of Leach.

How soon the expectations of the Public may be satisfied, and this cause, so important to liberty, judicially and finally determined, you are more likely to learn than I am: For you are misinformed, if you believe that the delay in these causes proceeds from the parties *accused*. Had a speedy issue been really the wish of those who affect so much earnestness for it, the way to obtain it was obvious. They had only to have demurred to the legality of the warrant, in any of those causes wherein it was pleaded as a
justifica-

justification ; and the demurrer would immediately have been tried.

BEFORE I quit this part of the subject, I cannot avoid taking notice of a singular assertion in the 21st page of the Defence: *Should a Secretary of State, upon intelligence of any crime really formidable to the common-wealth, and of a nature requiring dispatch and secrecy, be under a necessity of issuing such a warrant as is now complained of ; and should his messengers, in pursuit of the offenders, take up an innocent man ; is it reasonable to suppose, that any jury would be found so narrow in their notions of government, as not to attend to a distinction, clearly made and well supported, upon the peculiar circumstances of such a crisis ? Or, should prejudice or ignorance influence the determination of juries, would not the officers thus suffering for the public, be relieved by the interposition of parliament ?*

NOT the case which you here suppose, but a case much stronger, has actually existed. A libel was published, and continuing to be dispersed, tending to raise traitorous insurrections. You will not deny this to be a crime really formidable to the common-wealth,

wealth, and of a nature requiring dispatch and secrecy. Upon *your* principles, therefore, the Secretary issued the warrant. His messengers, in the execution of it, took up not an *innocent* man, but the *guilty* Author; and yet the jury were so far from acting upon the principles you give to them, that they have given damages. And you yourself are so far from *wishing* the interposition of parliament, to *relieve* the officers thus suffering for the public, that you *solicit* it, to give still greater edge to the like verdicts of juries.

UPON the parliamentary part of your argument, your assertions are these: That the question concerning the illegality of *certain general warrants* was a *particular, not a general question*: That, in imitation of former proceedings of parliament, (which you have quoted in your Pamphlet) *they meant to confine themselves to the single case before them*: That it was taken up by the Minority entirely unconnected with the case of Mr. Wilkes; and that it was not an inconsistent conduct, in those who voted for the motion, to reject the remedy of a bill. Upon the first of these

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points

points, you have said, page 5, That you think it might be justifiable, in consideration of the public danger, the nature of the offence, &c. to *connive* at the use of general warrants of apprehension; but that, in the case of a libel already published, this power is neither necessary nor expedient to be lodged in any hands: That the Minority saw this distinction, adopted it; and that, therefore, they framed their motion from the case before them, and confined it to a seditious libel.

LET me now offer to you my reasons, for asserting that the question was understood to be *general*, not *particular*; and that the Minority did not even see the distinction which you say they adopted. I must recal that hour to your recollection, and I doubt not it will give you pleasure, when the Minority were held out to the Public as champions of their freedom; and we were taught to expect, from the hands of those confederate Chiefs, that great supplement to Magna Charta, the Deliverance *from all general warrants*. It was by this promise, and by
this

this alone, that they trusted they should unite to them the wishes and assistance of the people. And this was the sole foundation of the claim which they so boldly asserted, to the Title of *Defenders of the Freedom and Constitution of Great Britain*. The writers of their party took immediately the same tone. I have found the pamphlets of two of them, and I will quote to you their words, to prove that their common creed is contrary to the sentiments which you have lately given them; and by which you, who are less orthodox and more refined, have endeavoured to palliate the absurdities of the Party Faith.

THUS the author of the Letter to the Cocoa-Tree, page 15. “ One would be
 “ apt to think some extraordinary pru-
 “ dence in those who have ventured
 “ to execute general warrants, and an
 “ uncommon terror in the poor and
 “ helpless persons, who have hereto-
 “ fore been oppressed by the tyranny
 “ of them, had hitherto kept them
 “ concealed from public view, that
 “ they have not before now felt the
 “ indignation of the courts of law.

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“ Even

“ Even those who have not the advantage of the science of the law, could not but perceive, at first sight, how inconsistent general warrants were with the constitution.” And again, page 17, “ The object in view was not barely to condemn general warrants without name. ---- Depriving the subject of his liberty, without a charge upon oath, *or something as strong, is equally illegal. Close confinement for a bailable offence, arbitrary evasions of the Habeas Corpus, and, above all, the unwarrantable seizure of papers, were objects highly worthy the weightiest interposition.*” Where you see that the avowed Defender of the Party, collecting, with indefatigable industry, every cause of complaint against the warrant issued by Lord Hallifax, has introduced all those circumstances, which are now confessedly waved, and omitted that which you have stated as the only ground upon which the motion of the Minority was founded; namely, That the particular case did not call for it.

THUS also, in that affectionate Defence of Mr. Conway, called the Counter-Address, it is said, page 15, “ The
 “ voice

“ voice of the nation went along with
 “ the conduct of Mr. Conway. They
 “ were, and are still of opinion, that
 “ general warrants are radically and
 “ alarmingly dangerous to liberty.”
 This language, you will allow to be
 very different from yours: And you
 will not, it is probable, deny that
 the Author of it was more conversant
 with the party than yourself. Nor
 were these sentiments confined to the
 Minority-agents *without* doors; their
 most professed leaders held exactly the
 same language. That it is either de-
 cent or proper to repeat the expres-
 sions made use of in Debates, the
 example of the Defence has not yet
 convinced me.

WITHOUT quoting, therefore, the
 particular words, I am at liberty to
 ask you, whether you do not recollect
 some violent, though lively declama-
 tions against general warrants, and the
 encroaching powers of Office? Was
 not the insecurity of *every* subject pa-
 thetically lamented, while such war-
 rants were allowed as might be em-
 ployed against *any*? You must remem-
 ber, that the whole fire of oratory was
 directed

directed against the, as it was called, *unconstitutional power*, not against that particular exertion of it, which they who moved the question had formally desired might be considered as without the reach of the proposed resolution; and still less avowedly was it used, to prove that a *false, scandalous, and seditious libel, tending to excite the people to traiterous insurrections*, had not called for, and did not warrant the interposition of the Secretary of State, by such warrant as was the most ordinary and effectual remedy.

ANOTHER proof to me, is the number of the Minority in that day. The question, as the terms of it are now stated by you, was whether Mr. Wilkes's case was such a one as, *in consideration of the public danger, and the nature of the offence*, justified the use of a general warrant. But I will venture to appeal to your own opinion, whether, if this had been generally understood to be the real state of the question, the Minority would have been so numerous, as to have deceived even your penetration into an opinion of their success. Would so large a body, think
you,

you, have taken upon themselves to avow, or will they feel themselves indebted to you for giving them the opinion, that a seditious libel, *tending to excite traiterous insurrections against his Majesty's government*, circulated with diligence in the Western counties, where it might do most mischief, should have been left to scatter it's poison, and wait for it's punishment, till the slow forms of the courts of law had been gone through?

THE division, which was so numerous as to induce you to pronounce the Administration *vanquished in that day*, was, you must remember, owing to the great and successful pains which were taken to *prevent the case of Mr. Wilkes from appearing the cause of opposition*. Though you have now more honestly confessed, by declaring the motion to have been formed upon Mr. Wilkes's case only, that they are one and the same.

THE last reason that I have for thinking that the motion was general, is drawn from the terms in which it is conceived. If I had disputation in
view

view more than truth, I should have a right to insist, that it was not possible for you to think that a motion, which declared general warrants, in the case of *seditious libels only*, illegal, could extend to the case of the Publisher of a libel, *tending to raise traiterous insurrections*. The nature of these libels is so exceedingly distinct, the criminality of the latter so much greater, and it's consequences so much more dangerous than those of the former; that, if the motion had passed in the words which you have stated, it could not have even appeared to comprehend the warrants issued by Lord Halifax. Nor will I detain you with any remarks on the extraordinary accuracy and precision, which you was so apprehensive of failing in. The political legerdemain of substituting the question moved on the 14th, for that which was really debated on the 17th of February, carried it's reasons with it so obviously, that the discovering the finesse is sufficient, without further animadversion. If one might be at liberty to wish upon this subject, it should be, That the fact had been well established, before you had called

those who mistake it contemptible for ignorance, or chargeable with falsehood. But, waving these advantages, it is impossible not to see that the motion really debated, though brought nearer to the case of Mr. Wilkes, was not so precise as to include it, much less to be confined to it.

To prove this you will observe, that, if the motion had passed, not only every other species of general warrants would have received countenance upon that old maxim, *exceptio affirmat regulam*; but a secretary of state would still have remained at liberty to issue a general warrant for apprehending the author, printer, or publisher of any libel, which tended to raise traiterous insurrections. For the resolution of the House of Commons could not have comprehended this case, as not containing the words which described it. And yet you have asserted, that, upon this single case, the motion was formed. If that had been true, and the Minority had meant to avow that Mr. Wilkes's intentions of raising traiterous insurrections should not have

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been

been prevented by a general warrant; their motion would have contained the words in which the parliament had described his paper on the 19th of January: And it would have stood thus,

“ Resolved, *that a general warrant for ap-*
 “ *prehending the authors, printers, and*
 “ *publishers of a false, scandalous,*
 “ *and seditious libel, containing ex-*
 “ *pressions of the most unexampled*
 “ *insolence and contumely towards*
 “ *his Majesty, the grossest aspersions*
 “ *upon both Houses of Parliament,*
 “ *and the most audacious defiance of*
 “ *the authority of the whole legisla-*
 “ *ture; and most manifestly tending*
 “ *to alienate the affections of the peo-*
 “ *ple from his Majesty, to withdraw*
 “ *them from their obedience to the*
 “ *laws of the realm, and to excite*
 “ *them to traiterous insurrections*
 “ *against his Majesty’s government,*
 “ *is not warranted by law; although,*
 “ *&c.*”

BUT whatever were the *concealed* designs of the Minority, and however possible it might have been to procure a gentleman to move a resolution thus worded; it is probable that it would
 have

have had the ill fortune to make little impression on the body of the House. And though it might be necessary for the purposes of faction, and to give to the Minority a possibility of conquest, that such words should be used as would be known to be intended against Lord Halifax by those who were in the secret, (and the word *treasonable* was made choice of for that purpose;) yet had the motion been formed in the words of the resolution just now quoted, describing Mr. Wilkes's case, it would never have influenced those who, on that day, joined you upon the footing of defending a general maxim; and who would not have contributed their assistance to a direct attack on Lord Halifax, for exerting his authority in an instance which they thought fully justified it's interposition. Had the Minority indeed confined themselves to the case before them, you would have had reason for your assertion, that their conduct was justified by it's imitation of former parliaments. For, of the instances you have produced, there is not one but what is tied down to the single case

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before

before them. I will take them as they are stated in the Defence.

THE resolution passed by the House of Commons against Lord Nottingham was, that the taking Lord Danby by *that warrant* was illegal. In the case of Lord Chief-Justice Scroggs, the House acted upon the same principles, and resolved that the *said warrants*, (namely those which had formed the substance of the charge against him) were arbitrary, and illegal. The resolution passed in the case of Lord Chief-Justice Keeling is equally precise: The words of it are, "That the precedents and practice of fining juries is illegal;" referring evidently to those precedents, and that practice, which had been the object of enquiry at their bar. Had they meant to have trod in the steps of former parliaments, the way was open to them.

THERE were indeed two methods of proceeding; the one so special and precise, as to have decided upon, and condemned the warrant issued against Mr. Wilkes: The other so general, as
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to have indeed secured the liberty of the subject, if it had been their intention, and had stood in need of their interposition. The objection to the former was, the character of the person in whose defence the motion must have been made, and of whom it must have discovered them to be the friends and protectors. The latter would not have answered their chief purpose, an oblique censure on individuals.

I would just observe, by the way, as some stress seems to have been laid upon the precedents which you have cited, That, even supposing them to be more apposite to the point than on examination they appear to be, the ground on which the interposition of parliament was called for was essentially different from that of the motion now in question. The Chief Justices were amenable to no other jurisdiction; while the legality of the warrant, issued by Lord Halifax, was not only capable of being tried in the ordinary methods of proceeding, but actually put into a course of trial.

THE

THE case of Lord Marlborough was that of holding correspondence with rebels: And, in this, you yourself are willing to allow, I beg pardon, *connive at* the use of general warrants. The warrant issued in the case of Lord Danby, is far from resembling that which was issued by Lord Halifax. There was not, in Lord Danby, even the pretence of any crime; and, therefore, it is exactly of the same nature with those warrants which were granted, not by Lord Halifax, but by *Mr. Pitt*.

HAD the proposed remedy been designed at the root of the evil, the resolution would have been worded so as to include a species of warrants; which, though not resulting from the case immediately under consideration, was by far more injurious to the liberty of the subject; warrants directing the apprehension of persons, without specifying the crimes for which they were to be taken up, and which the Secretary of State, who had issued them, did not attempt to defend upon any general principle.

BUT

BUT I return to the subject more immediately before us. And I submit to you my reasons for thinking, not only that the Minority did not avow their design, of confining themselves to the warrant granted against Mr. Wilkes; but that you, who have had leisure in your retirement to form for them this motive, and the distinction upon which it is founded, will not find it serviceable to your cause. For, having granted that it is justifiable to connive at the use of general warrants in the case of high-treason, in consideration of the public danger, the nature of the offence, and the necessity of preventing its dangerous consequences; it follows that, wherever these circumstances are found, in that case a general warrant may be issued.

IT remains only to ask, Whether, in the case of Mr. Wilkes, these circumstances did not concur? After what has been already observed, on this part of the subject, it is needless to insist any further.

BUT

BUT with what propriety can you assert, that the case, upon which the proposed resolution was founded, was taken up by the Minority, entirely unconnected with Mr. Wilkes? I would just call to your recollection the subject of Mr. Wilkes's complaint, upon the first day of the session, when the usual course of proceedings was interrupted by his starting from his seat; and, whilst the Speaker was directing the clerk to read the customary bill, attempting to state to the House the breach of privilege which had been committed by the warrant issued against him. Was it the case alone that was taken up, when you, with many others, were of opinion that the usual bill should not be read, in order to give Mr. Wilkes the plausible plea of having put the House in possession of his complaint? What was the language of the party, before the discussion of the point of privilege? That a most outrageous insult had been committed on a Member of the Legislature: That the liberty of the subject had been violated, in a most unparalleled manner; and that it was of the utmost consequence to the preservation

servation of freedom, that immediate reparation should be made.

You will allow me to observe here, by the way, how unfortunate it was that the House of Commons should be the only place in which you did *not* think fit to give your reasons for your opinion, that Mr. Wilkes was entitled to privilege. When, indeed, the *unhappy* man was adjudged to have no such title, and every artificial delay had been attempted, which the most fertile imagination could invent, among which I would by no means forget the *medical* appeal to his bleeding wounds, those *poor dumb mouths* which were to speak so feelingly to compassion; when even a day's respite was thought worth obtaining; when successive trials had been fruitlessly made to procrastinate the decision; then, and not till then, was the cause separated from the man: Then stood forth two *candid* Gentlemen, who professed to take up the matter upon Public Considerations. If that conduct can be called *candid*, which took every possible step to procure that censure on Lord Halifax, which, in words,

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they were so forward to disclaim: Yet, as if they were still loth to abandon every thing that had a relation to the person of their champion, they suspended even their eager desires for the condemnation of the instruments employed by Government, till Mr. Wilkes's servant might be sent for from Paris. What the deposition of such a man could avail, in a question merely of public liberty, and in which every *personal* consideration was pretended to be set aside; I will leave it to those Gentlemen to decide, whose first step, in this great *national* cause, was the bringing on a complaint against *individuals*, and an attempt to delay their justification till they should have rendered it impossible, (I mean consistently with sound conclusion) by voting the conduct, fortified as it was by a continued stream of precedents, to have been unwarrantable and illegal.

METHINKS the sound of *Candour* still grates upon my ear, reverberated by the parade of compliments which were so lavishly bestowed on the Gentlemen who affected to appear advocates

cates in the cause of the Public ; while, in truth, they were in the track which Mr. Wilkes's most devoted adherents could have wished them to pursue. To what other end were the efforts, in the beginning of the winter's campaign, than the endeavouring to have the accusation, which had been tricked up, examined in a manner to which neither the dignity of the House, nor the situation of the accuser entitled it?

AND, with regard to decency of language, no great merit, I trust, will be assumed from their having spared opprobrious words against the Noble Earls, who were the objects of the resolution. If this be indeed all the candour so much praised, I will not churlishly refuse to commend *two Baronets speaking in a House of Parliament, for not reviling two Secretaries of State, who had acted in strict conformity with the established custom of their office.* And yet I would just remind you, that the decision of the question upon privilege had taken the weapons from their hands. They could no longer pathetically describe the insolence of office, oppressing an injured Member of Parli-

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ament, and trampling upon the rights of the Commons of Great Britain; nor could their Lordships, in this situation, have been stiled the Noble Convicts.

BE the candour, however, of these Gentlemen what it may, the connection of the case taken up by the Minority, with the cause of Mr. Wilkes, is indisputable from the similarity of the methods pursued by Mr. Wilkes's defenders and by the advocates for the resolution; from the eagerness with which it was pressed by Mr. Wilkes's warmest friends, and from the numbers upon the division.---The kingdom, you say, has been tried upon this topic, and the art has failed. As to the fact itself, if your own behaviour was such as to disclaim any connection with Mr. Wilkes, you have however no right to assert this of the rest of the party.

You are not, and perhaps it is fortunate for the Ministry that you are not, the guide of their counsels, or the vehicle of their sentiments. You know it is from other lips they take their tone. You are not involved in their
indiscretions,

indiscretions, but your conduct does not excuse theirs.

LET me, in addition to the proofs already offered, remind you of the declarations of those turbulent boys, the chosen and avowed oracles of the party, who professed themselves tied to Mr. Wilkes by the bands of friendship, and honoured by the tie. Recollect that we must attribute to this motive the factious Court which was formed in Great George-Street; for we cannot suppose those who formed it to have been indifferent to the cause of their Champion, and giving him support only because he had insulted the Crown and the Senate.

ANOTHER point which you propose to prove, is, That it was not an inconsistent conduct in those who appeared for the motion, to reject the remedy of a bill: And the reason you give for it is, That they could not vote for a bill to regulate what they did not admit to be legal. To which you have added the insinuation, that the Ministry were not, though they ought
to

to have been, earnest in the support of the bill.

BUT, Sir, has not your affection for the favourite antithesis deceived you into the use of what was only the appearance of an argument? I do not know upon what foundation you assert that this word *regulate*, upon which the argument is grounded, was in the title of the bill? In *generals*, and in physics, the axiom is an undoubted one, that it is impossible to regulate what is not allowed to exist. But, apply this to the case before you, and you will see that the fallacy lies in the equivocal use of the word *regulate*. Take the question out of *generals*, and it amounts to no more than this, Whether those who asserted that these warrants were illegal, should not have passed a bill forbidding the use of them?

THE Minority had asserted, each as they were able, but none of them with so much life and eloquence as Mr. Townshend, that, upon the passing the resolution proposed, the essence of personal and private liberty depended.

They

They could not therefore, consistently with those assertions, refuse: And, had they been sincere in them, they would have gladly embraced the remedy of a bill, which was expressly offered to be drawn upon the plan, and in the words of their own motion. The Ministry thought *all* interposition of parliament unnecessary, unwise, and dangerous. They were willing, however, to acquiesce in the only constitutional method of doing it. It could not therefore be expected, that they should take upon themselves to pass a bill, which they thought the occasion did not require. But it is difficult to conceive what reasons could influence the Minority to depart from the object of their most vehement pursuit, when offered to be backed by an authority, which, taking the shape of a law, must have made the remedy more effectual. For one can hardly imagine, that what was circulated in the first peevishness of disappointment, could have any real weight upon their minds; and that they could so far forget the duties of senators and of citizens, as to neglect what they had called essential to the security of the liberty

berty of the subject, merely because the protection was administered through the channel of a gentleman, who was obnoxious to them as party-men.

BUT, whatever be the reasons which operated, certain it is that a very extraordinary change took place in the constitution of the Minority, between the 17th and 21st of February. The heat of their political fever had subsided into a fit of the cold ague; and those who on Friday declared themselves unable to close their eyes, till, by some resolution of the House, King's Messengers might be prevented from interrupting their slumbers, had fallen into so sound and tranquil a sleep, that the Tuesday morning passed away before they were sufficiently awake to attend and support a bill conceived in the words of that resolution.

AFTER what had been said on this subject, you go on to give the defenders of the Majority an objection, which seems principally to have been formed for the sake of an answer intended to be given to it; and which,
I think,

I think, I may venture to say, was never made, That the Minority proceeded by motion in the House of Commons. Let us, however, examine your argument upon it. Your words are these: “ Perhaps these Writers do not
 “ know, that nothing is more usual
 “ or regular, in both Houses of Par-
 “ liament, than to take up important
 “ matters of public administration se-
 “ parately, in either House; to express
 “ the sense of that House by a gene-
 “ ral resolution; and, upon that reso-
 “ lution, to bring in a bill.”

No one will dispute with you, that this method of proceeding is usual and regular; but, if it was the intention of the Minority, in forming their resolution, to carry it on to a bill, how could they, consistently, refuse a bill which was offered to be framed in the very words of the resolution, for which they had so ineffectually contended?

For, though you have said the Administration was *vanquished in that day*, yet I cannot bring myself to think that it really was so, while I have before me so considerable a proof of

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your leisure, as the Defence of the Minority; and see, that, instead of setting the King's seal to an affectionate letter to the magnanimous King of Prussia, or remitting a subsidy to the King of Poland, you have had time to undertake that defence of the Two Hundred and Twenty, which it seems but *one* man in England would attempt.

I WILL not enquire of you, whether the fruits of this victory are yet seen in the stipulations which you have made for the introduction of your friends? But, give me leave to ask you, who, I doubt not, form your judgments upon something more substantial than words; Is the office, which, when the forts of government had been stormed, was to be your share of the plunder, now in your possession?

THE clamour of the song of triumph was indeed heard, and preparations were made to illuminate the Monument. The countenance and gestures of many had shewn all the marks of assured conquest; but, as long as there remains so much arithmetick in this
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kingdom, as to acknowledge that 234 is a larger number than 220, I shall have a right to say, That it was not the Administration, but the Minority, who were in that day vanquished; *a Minority composed* (as it certainly was upon that day) *of men whose ancestors, in their times, and of others, who in their own persons, have signed the same warrants with those issued by Lord Halifax, from the Revolution to this hour.*

I HAVE hitherto addressed myself to you by that title which you seem to affect, The Defender of the Minority; and yet, in the examination of your Defence, many substantial reasons have concurred, in inducing me to think that you are not of their party. You have with them, as a party, no bond of connection, no common opinions; you do not class with them in principles, sentiments, or abilities. There are among them men of worth and virtue. If, to some of these, you are united by the ties of friendship, to others by those of esteem, these bonds tie every generous mind, and in this sense every honest man is of their party; and in no other are you of it. With the

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common run of second-hand discarded politicians, which compose the Minority, you have no such union: You are too wise and too delicate to become of their party; they are too ignorant and untractable, to become of yours. Their contemptible ignorance of true policy, their easy credulity, their visionary schemes, their illiberal abuse, are as far removed from your character, as your real knowledge, quick sensibility, and temperate opposition is from theirs.

IN fact, Sir, the Opposition have never had any right to call you theirs. You parted from the Ministry upon a subject quite of a private and personal nature; upon a point which, however essential you might think it to your own interest and reputation, you could not, nor did you ever represent, as interesting the Public. You had not, during the course of the last session, sentiments, upon the great measures of the year, different from those of the King's servants. That this is true of the questions of Finance and Colonisation, I have this proof: That, well-grounded as you are on these subjects,
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proceeding upon solid principles, and able to refer to them, and to illustrate by them all that particular information which you know so well how to obtain; and having, with these abilities, no want of inclination to oppose, you chose to be absent upon a subject in itself so complicated, upon provisions in their operations necessarily so uncertain, when such clashing interests were to be attempered, the riches and strength of our colonies cultivated, and their dependence secured; when a new world was to be subjected to fiscal laws; that, upon such a various and complex subject, you, so capable and so desirous of shining, should, contrary to your promise, be silent; shews that you approved the system, and that your ingenuous mind would not suffer you to cavil at clauses, when you approved the principles and purposes of the bill.

UPON the contest of Cyder, you cannot but remember what jealousy and offence the Opposition received from your adherence to your own sentiments, which were those of the Ministry,

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THERE remains, therefore, only the case of Mr. Wilkes, upon the first emergent point of which, that of privilege, I must suppose you to have been at least half a convert to the side of Government. You surely, Sir, were stagger'd at least by the weighty arguments of it's friends; for I must think that to no lighter motive you would have sacrificed the labours of the summer and autumn, and the often-rehearsed eloquence of the winter. Upon the last point of it, the pamphlet before me is the strongest proof that you are not only united with, but an advocate for the Minister. You have adopted his reasonings and sentiments, and I have only to congratulate the Minister upon so honourable an accession to his party, and to admire the force of Truth upon a sensible mind; which thus compels you, perhaps imperceptibly to yourself, to range yourself on her side, though she votes with the Majority. So little are you in concert with the Minority, that you have quitted the ground which they had taken as their most tenable post, and taken that which they, and even you, will find indefensible.

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THERE is only one part of the pamphlet of which I shall take the liberty of complaining to you, Sir; it is the conclusion. To prove in what an uncertain situation *our most essential liberty, our undoubted birthright, stands, I beg pardon, hangs at this hour; it is asserted, that Lord Halifax may issue out another general warrant, upon the pretence of the last libel, the Budget.* This conveys an insinuation, though I will not think you meant one, that there was nothing in the seditious libel, the North Briton, but what is equally to be found in this last pamphlet; and yet, Sir, you think that the former *traduced the honour of the Crown, and injured the dignity of Parliament.* It insinuates, that punishment was inflicted on the former Writer, for his opposition to the Ministry, and that the same principles subject Sir G. S. to the same prosecution. These insinuations are more worthy of your cause than of your character.

THE Minister in the House of Commons seems to have been long enough versed in political life, to pay cheerfully that tax to slander which is so constantly levelled upon every honest
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man who serves his country. He has shewn that he thought the severest punishment due to the former, for his treasonable writings; to the latter, you say, he has not even condescended to direct a reply. You have no right therefore to use words, which insinuate that he thinks alike on these two papers; and that he resents equally an attack upon himself and an insult upon his Sovereign. What his sentiments may be upon the Budget, it is not, I suppose, easy to know. For my own part, I cannot possibly figure to myself a Minister so fore, as to be hurt by that pamphlet: But I can easily imagine, that there are other reasons for leaving it unanswered, besides the thinking it unanswerable.

AND now, Sir, you will decide whether, in the Defence of the Minority, you have stated the legal and parliamentary transactions with precision: Whether you have assigned the true motives of the conduct of your friends, or even such as they will avow: Whether you have vindicated their past opposition, or given them good grounds for their continuing in it the next sessions:

sions: And whether you have proved the necessity, or propriety, of their having contended, and continuing to move for parliamentary interposition, in a case which is in a course of legal determination, and *sub judice*, with respect to the Courts of Appeal, and which, in the Court of Common Pleas, has been actually determined.

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